

IN THE PUNJAB AND HARYANA HIGH COURT, AT CHANDIGARH.

Civil Contempt Appeal No 19 of 1998

Decided on March 12,2008

Ram Kishan Gupta

--- Appellant

v.

Jai Parkash and others

---Respondents

A N D

Civil Contempt Appeal No.17 of 1998

Decided on March 12,2008.

Mange Ram

--- Appellant.

v.

Jai Parkash and others

---Respondents.

Present: Mr. O.P.Goyal,Senior Advocate, with
Ms.Priya Khanna and Mr.R.A.Sheoran,Advocates, for the
appellants in both the cases.

Mr.Jaswant Jain,Advocate,for the respondents.

Rakesh Kumar Jain,J:

This order shall dispose of two contempt appeals i.e. CACP
No. 19 of 1998 and 17 of 1998.

The facts are, however, taken from CACP No. 19 of 1998.

The respondents filed C.W.P.No.19664 of 1996 seeking a writ in the nature of certiorari for quashing notice issued for winding up Dadri Education Society, Charkhi Dadri, District Bhiwani and its merger with Dadri Education Trust and also a writ in the nature of prohibition for holding meeting on 29.12.1996 for merging Dadri Education Society into a Trust. In this writ petition, on 20.12.1996, notice of motion was issued for 06.2.1997 and operation of Annexure P-5 (notice dated 01.11.1996) was stayed meanwhile.

The petitioners filed C.O.C.P.No. 65 of 1997 under Sections 11 and 12 of the Contempt of Courts Act, 1971 against Ram Kishan Gupta and Mange Ram for disobeying the order dated 20.12.1996 passed in C.W.P.No.19664 of 1996 titled Jai Parkash and others v. State of Haryana and others, on the ground that inspite of stay order dated 20.12.1996, both Ram Kishan Gupta and Mange Ram held meeting at the residence of Ram Kishan Gupta on 29.12.1996, and passed a resolution regarding winding up of Dadri Education Society and its merger with Dadri Educational Trust.

The contempt petition was contested by both the respondents therein in which Ram Kishan Gupta had inter-alia pleaded that he remained admitted as an indoor patient in Ram Manohar Lohia Hospital, New Delhi from 04.12.1996 to 28.12.1996 and was discharged on 29.12.1996, therefore, he had no knowledge of the stay order passed by this Court. However, this plea was not accepted and vide order dated 22.9.1998, it was held that both the contemnors were aware of the stay order and the meeting that had taken place had wilfully floated the order dated

20.12.1996. They were, thus, held guilty of Contempt of Court and were punished for simple imprisonment for a term of three months' each and also a fine of Rs.2000/- each and in default of making the payment of fine, they were ordered to undergo imprisonment for another term of 15 days. It was ordered that if the fine is recovered, the same shall be paid to the petitioners by way of compensation. The contempt petition was allowed with costs which was assessed at Rs. 20,000/- to be shared by both the respondents equally.

Both Ram Kishan Gupta and Mange Ram filed separate appeals under Sections 19 (1) of the Contempt of Courts Act, 1971 against the order dated 22.9.1998 passed by learned Single Judge, which was registered as Civil Contempt Appeal No. 17 of 1998 titled as Mange Ram v. Jai Parkash and others and Civil Contempt Appeal No.19 of 1998 titled as Ram Kishan Gupta v. Jai Parkash and others. The appeals were admitted on 29.4.1999. The judgment to the extent of awarding imprisonment and costs was stayed.

We have heard Mr.O.P.Goyal, Senior Advocate with Ms.Priya Khanna and Mr. R.A.Sheoran, Advocates, for the appellant(s) in both the appeals and Mr. Jaswant Jain, Advocate, for the respondents and have perused the record.

At the out-set, Mr. O.P. Goyal, learned Senior Counsel has submitted that his client Ram Kishan Gupta is an old man of 91 years of age and is a heart patient. He has further submitted that appellants hold this Court and all other Courts established by law in the highest esteem. The appellants also tendered unqualified apology and has purged the contempt. Similar is the prayer made by Mr. R.A.Sheoran, counsel for the

other contemner Mange Ram.

Though, we find that the contempt is made out, yet in view of the fact that the appellant Ram Kishan Gupta is 91 years of age, a heart patient and has purged the contempt, similarly appellant Mange Ram has also purged the contempt, we deem it appropriate to set aside the order of sentence and reduce the amount of compensation to Rs.10,000/- only in both the cases, to which counsel for the respondents has raised no objection.

With above modification, both the appeals are hereby partly allowed and it is ordered that the sentence imposed upon the appellants by the learned Single Judge is of three months simple imprisonment, is set aside. But the appellants shall have to pay the fine as well as costs which is reduced to Rs.10000/- each in both the appeals to be shared by both the appellants equally.

(Rakesh Kumar Jain)
Judge.

March 12,2008
RR

(Mehtab S.Gill)
Judge